


1 MICHAEL B. WHITING  
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FILED  
DOCKETED BY:   
2011 APR -5 AM 7:28  
SUE HALL, CLERK  
APACHE CO SUPERIOR COURT

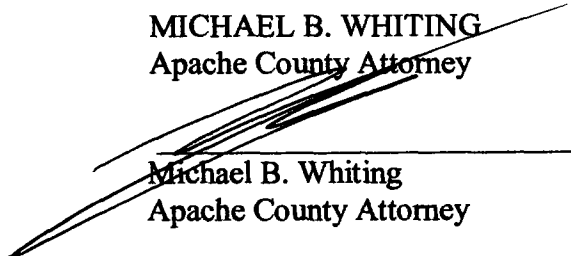
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6 **IN THE JUVENILE COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF APACHE**

7 8 <b>IN RE: THE MATTER OF:</b> 9 <b>C.R.R.,</b> 10 <b>A Person under 18.</b>	11 12 <b>NO. JV 2008-065</b> 13 <b>MOTION TO VACATE ORDER TO</b> 14 <b>SHOW CAUSE</b>
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15 THE STATE OF ARIZONA, through its undersigned County Attorney, hereby files this  
16 Motion requesting the Court vacate the Order to Show Cause hearing currently scheduled for  
17 Thursday, April 7, 2011, at 10:00 a.m. The Petition for Order to Show Cause was filed by  
18 the Apache County Juvenile Probation Department without the knowledge or approval of the  
19 Apache County Attorney, who has been the prosecutor of record for over 2 years (see email  
20 attached as Exhibit #1). Accordingly, the State moves to withdraw such petition and requests  
21 the Court vacate the resulting Order to Show Cause hearing. This motion is not filed to  
22 vacate the Order to Show Cause hearing resulting from the Motion filed by Guardian Ad  
23 Litem, Marsha Gregory.

24 **RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of April, 2011.**

25 MICHAEL B. WHITING  
Apache County Attorney

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Michael B. Whiting  
Apache County Attorney  
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1 A copy of the foregoing  
2 mailed/delivered this  
3 5<sup>th</sup> day of April, 2011, to:

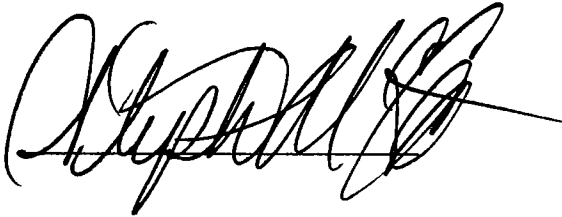
4 Apache County Clerk of the Superior Court  
5 St. Johns, AZ 85936

6 Ron Wood  
7 Attorney for Juvenile

8 Marsha Gregory  
9 Guardian Ad Litem

10 Steve Williams  
11 Attorney for Juvenile's Mother

12 Juvenile Probation  
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A handwritten signature in black ink, appearing to be 'Steph M. B.', is written over the line for line 12. The signature is cursive and extends across lines 11 and 12.

# EXHIBIT #1

## Michael B. Whiting

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**From:** Katherine Hay  
**Sent:** Monday, April 04, 2011 1:57 PM  
**To:** Michael B. Whiting  
**Subject:** FW: Romero

FYI

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**From:** tim orona [mailto:torona@co.apache.az.us]  
**Sent:** Monday, April 04, 2011 12:00 PM  
**To:** Katherine Hay  
**Cc:** Michael B. Whiting  
**Subject:** RE: Romero

You're correct I will take this matter up with Mr. Whiting and proceed at his direction.

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**From:** Katherine Hay [mailto:KHay@apachelaw.net]  
**Sent:** April 4, 2011 11:41 AM  
**To:** tim orona  
**Subject:** RE: Romero

You have an OSC set because I signed a document I was not authorized to sign. I certainly can't appear at the OSC if you were expecting that.

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**From:** tim orona [mailto:torona@co.apache.az.us]  
**Sent:** Monday, April 04, 2011 11:39 AM  
**To:** Katherine Hay  
**Cc:** O'Brien, Mike  
**Subject:** Romero

Hi Katherine,

The reason we filed our recent petition on this case with your name on it was because we were recently advised that you were going to be the Deputy County Attorney for all juvenile cases. We are sorry for any problems this may have caused in your department but we did as we were advised. However, in the future anything we file on this case will have Mr. Whiting's name and signature on it. We will also, make sure to discuss the details and allegations with him prior to filing anything on this case. As you are aware, there are additional financial issues that need to be addressed on this case and can only be addressed in court. Since there is an OSC hearing for this case already set for Thursday April 7, 2011, we prefer not to take ours off the calendar do to the fact that the Judge hearing the case has to travel from Greenlee County.

Thanks,  
Tim Orona